

1 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two
2 elements: (1) that a right secured by the Constitution or laws of the United States
3 was violated, and (2) that the alleged violation was committed by a person acting
4 under the color of state law. West v. Atkins, 487 U.S. 42, 48 (1988).

5 B. Legal Claims

6 In order to state a claim for damages under § 1983, a plaintiff must allege
7 specific facts showing how each named defendant actually and proximately
8 caused the deprivation of a federally protected right. See Leer v. Murphy, 844
9 F.2d 628, 634 (9th Cir. 1988). Plaintiff has not done so. Nor has he signed his
10 complaint. See Fed. R. Civ. P. 11(a).

11 **CONCLUSION**

12 For the foregoing reasons, the complaint is dismissed with leave to amend,
13 as indicated above, within 30 days of this order. The pleading must be simple
14 and concise and must include the caption and civil case number used in this order
15 and the words FIRST AMENDED COMPLAINT on the first page. Failure to
16 file a proper amended complaint within the designated time will result in the
17 dismissal of this action.

18 Plaintiff is advised that the amended complaint will supersede the original
19 complaint and all other pleadings. Claims and defendants not included in the
20 amended complaint will not be considered by the court. See King v. Atiyeh, 814
21 F.2d 565, 567 (9th Cir. 1987).

22 SO ORDERED.

23 DATED: June 23, 2008

24 
CHARLES R. BREYER
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MARK E ODELL,

Plaintiff,

v.

COUNTY OF BUTTE et al,

Defendant.

Case Number: CV08-00756 CRB

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 23, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Mark Evan Odell F-06395
CDCR San Quentin State Prison
San Quentin, CA 94964

Dated: June 23, 2008

Richard W. Wieking, Clerk
By: Barbara Espinoza, Deputy Clerk